



CONEWAGO TOWNSHIP

York County, Pennsylvania

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Workshop Meeting Minutes

Draft Data Center Ordinance

Bible Baptist Church

4190 Susquehanna Trail, York PA 17404

Thursday, July 23, 2026 6:00PM

1. Call to Order: Mark Stivers, Conewago Township Manager, called the meeting to order at 6:00PM.
2. Welcome and Introductions: Mr. Stivers introduced himself and explained the reason for the meeting, which was to get feedback from the residents on the draft zoning ordinance amendment to create an overlay zone for data centers. He explained that nothing has been finalized and emphasized the draft ordinance is a work in progress. Members present at the meeting included: Mark Stivers, Rebecca March Conewago Township Zoning Officer Lorretta Wilhide, BOS Chairperson, John MacDonald, BOS, Benjamin Parks, Planning Commission Member, Fritz Neufeld, Planning Commission Member, Daryl Hull, Planning Commission Chairperson, Brandon Musser, Planning Commission Vice Chairperson, Larry Kauffman, Planning Commission, Derek Rinaldo, Engineer with CS Davidson, Brett Flower, Attorney with Eckert Seamans,.
3. Mr. Stivers they reviewed the rules for the meeting. He stated that he will present a Power Point presentation and then open the the meeting for the public for comment and/or ask questions. Anyone wishing to speak was asked to approach the podium, state their name and address, and then ask their questions or make their statements. Their time at the podium should be limited to 5 minutes and no yelling, name calling, profanity, interruptions will be tolerated. Audio recording of this meeting is occurring. There are also residents that are recording this meeting.
4. Review of the Ordinance and draft zoning map amendment:

Why have an ordinance? Because there are no regulations in the township's zoning ordinance to regulate Data Centers. PA Land Use Law says an ordinance is unconstitutional if it is exclusionary. This means the township cannot simply deny the entry of Data Centers in the township. The Fair Share Doctrine requires the township to provide reasonable space to accommodate all legitimate land uses.

Conewago Township has not received any applications for a data center in the Township.

Two draft ordinances were submitted for consideration, but those ordinances were not used. Instead, Attorney Brett Flower created the draft ordinance based on her work with other townships.

A specific overlay zone was created to make the area that a data center could be located stricter. If the ordinance said a data center could only be in an industrial zone, then a resident could petition to get their zoning designation changed to industrial and then as long as all the criteria were met, a data center could be placed there. By having an overlay, it does not matter if the zoning of a parcel changes, if the location is not in the overlay, then a data center cannot be put in that area.

Land Use: Use by Right and Special Exception and Conditional Use: The township is proposing to classify data centers as **CONDITIONAL USE** which is the strictest type of Land Use. This allows the township Supervisors to attach strict, legally binding conditions to an approval such as

ambient noise limits for cooling fans, water/recycling-closed loop system mandates, and grid-capacity testing.

180 Day Moratorium- At the July 7, 2026 Board of Supervisors Meeting, the supervisors unanimously voted to adopt Resolution 2026-13 which puts in place a 180-day moratorium for all data center applications. The moratorium ends on January 3, 2027. The 180 days are legislated. It cannot be longer than 180 days, however there is legislation in the works in Harrisburg to allow municipalities to extend the length of a moratorium.

Why is there pressure to establish an ordinance for data center? This area is prime area for trucking industries as it sits in the middle of the largest population grouping in the country, meaning a trucker can get to northern Georgia to the south and as far north to New England in an 8-10 hour drive from this region. Also, this area is very close to Crane Clean Energy Center (the old TMI) which is powering back up to supply power to the grid. Microsoft came to an agreement with Crane Clean Energy Center to supply power back into the grid for the purpose of data centers. Also, this area has large continuous parcels of land which is prime for data centers.

Attorney Brett Flower with Eckert Seaman's spoke about the ordinance. She stated that she has been working on the Data Center Ordinance for the past six months. She has been working with other municipalities regarding Data Center Ordinances. She noted that she is not working for developers or Data Centers. Some of the main issues that are addressed in the ordinances are the cooling systems and the noise issues of the back up generators. Noise, setbacks, and screening parts of the ordinance are the hot topic points. Ms. Flower stated that screening regulations would be similar to a warehouse. In the draft ordinance currently proposed, the minimal lot size is 100 acres. The setback is 250 feet in a non-residential area. If there is residential use or residential zone then the setback increases to 500 feet. Audio screening would go around the generators. The maximum height is 90 feet for the main structure and 50 feet for an accessory structure. 55% of the parcel can be covered in impervious surface which allows a lot of open space. There is also a provision to allow for the preservation of existing wooded area. If there is an area that won't be developed then the developer does not have to pull out the woods and landscape it, rather the wooded area can remain. Lighting is addressed similar to a warehouse. A data center doesn't typically have lighting issues different than a warehouse. One piece that is extremely important is sound. The information in the draft ordinance is just a placeholder, not what it will actually be. The township has hired a sound engineer to do a study to tell the township on how to proceed. The sound engineer will help to determine what the township's baseline ambient noise is.

Derek Rinaldo-CS Davidson Township Engineer- Mr. Rinaldo stated that the electric service must be figured out by the data center developer. Data Centers are constantly changing as technology changes. The ordinance may be very fluid so it can grow with the Data Center technology. The Data Center will also need to be serviced with public water and public sewer. Section 11 of the draft ordinance is a "catch all" for the whole ordinance and is what will require a developer to prove they are not impacting the township negatively. Section 12 talks about emergency responders, 24hr emergency contacts and what happens if an "event" occurs.

Attorney Brett Flower spoke again picking up on the definitions of the draft ordinance. She mentioned Facade Standards which addresses what the building will look like. She also mentioned a decommissioning plan for when the data center is no longer being used. She also spoke about a data center park which is on multiple parcels but clustered together to limit the potential impact to the township. If the township accepts the draft ordinance, then the planning commission discusses it and attaches any reasonable conditions and determines whether or not

to recommend approval. The Board of Supervisors then holds a public hearing within 60 days of the application. The public can speak during public comments. After the close of all evidence, the supervisors then make a decision. This can be a multi-day process. A stenographer is present at these meetings.

Mark Stivers then continues to discuss the power point presentation starting with the map overlay and explains that the overlay is the proposed location for where a data center can be placed, meeting standards regarding useable space and reduces chances of being challenged.

5. Questions from the Board of Supervisors and Planning Commission:

Daryl Hull – Chairman for the Planning Commission

Q - What happened to the 11 points from the last meeting. Only two of the eleven were addressed?

A - Attorney Flower never got them

Daryl's nine points:

1. Sound testing annually paid for by data center developer or owner
2. Well testing annually paid for by the data center developer or owner
3. Monitoring wells around the center to be sure the center is not leaking anything
4. Spill protocol
5. Reporting of annual water system
6. Back up generators TIER 4 type (Increases cost but protects air quality and reduced noise levels)
 - a. Brett: we can add this to the ordinance. These are better generators -Technology is always improving so Tier 4 is not specifically mentioned.
7. Generator testing to include all generators
 - a. Brett: this is controlled by DEP. Decide if you want louder for shorter terms or something house. Township to decide.
8. Fines defined in an ordinance for sound compliance
 - a. Fines are set at \$500 a day for a violation. Municipalities cannot, by law pull an occupancy permit
9. Renewable energy-good faith effort for renewable energy.

Q - Do we have an active request to do a baseline study?

A - Brett Flower says it is on the applicant to request a baseline study and it is on the township to have a sound engineer to review it.

Q - There are new definitions regarding sound and sound studies and asked for some clarification.

A - Brett Flower explains there is a new standard called the L90 standard which considers the average of sound of 90% of the day. This is a more accurate standard.

Ben Parks - Majority of audience does not want a data center by show of hands. Since it appears that the majority of the township residents do not want a data center, he believes making the ordinance as extreme as possible is the right move since a data center cannot be banned completely by law. Feels like draft ordinance is vanilla.

ANSWER: The BOS can make the ordinance as extreme as they want it to be.

6. Recognition of Public Comment:

Jennifer Frey

- She asked how the Draft Ordinance was created?
 - Based on what Attorney Flower has done for other Townships which included 6 data center and 1 power plant.
- It's been 9 months since the last meeting
 - Attorney Flower stated that she has been working on it for 6 months
- Why didn't Attorney Flower have the information from the last meeting?
 - John MacDonald commented that Attorney Flower was told to give a baseline proposal
- Why did the overlay include the village and residential zone
 - The overlay was a starting point only and followed along the roadway.
- The draft ordinance is very vanilla and does not protect the township like other ordinances do.

Cherry Rippetoe

- Asked how many acres were in the parcel by Strinestown?
 - There are a few parcels that are over 100 acres
- She wants clarification on 100 acres and minimum parcel size
- She lives close by and on a well and knows the local wells are going to be affected
- Why aren't we saving Strinestown?
- Why are we allowing the building to be 90 ft Tall?
- Believes 500 feet is too close to residential property.
- Where did the ordinance from food and water go?
- Look into data centers in Texas and how cows are being still born
- This is being paid for by our tax money so the ordinance should be tightened.

Mary Ann Albright

- Who determines the percentage that goes into the overlay and the Fair Share Doctrine
 - Fair Share is PA Law. The Courts decide if a municipality is being exclusionary.
- Has anyone challenged the Fair Share Law?
 - Yes. There are land use challenges to this doctrine.
- How close to Conewago Township elementary schools and Senior Center.
 - Need to measure for the schools. Senior Center is much closer.
- They are cancer causing and create industrial air pollution- York PA hot spot area
- Are we looking at how much of our land have been used for warehouses, freedom square, etc.?
- Why was the Right-To-Know (RTK) request denied?
 - Mark Stivers says the topic at hand is for Data Center not for questions regarding past RTK.
- Had question from a RTK request where comments are made about a developer and the Attorney replied.
 - Attorney Flower indicated she answered questions regarding a plan or request a developer submitted
- Q What about a CBA (Community Benefits Agreement)?
 - Attorney Flower noted that a municipality cannot have a CBA in an ordinance. The township cannot zone by contract.

Jessica Paulus

- Why is it okay to force people out of their homes with imminent domain? Build it somewhere else. Does not want her property seized via imminent domain
 - Mark Stivers advised clearly that No properties have been or will be taken by imminent domain for the purpose of allowing a developer to build a data center.
- Supervisor John MacDonald stated that the map/overlay is going to change because of this meeting. This is just a starting off point.
- Diesel generators could cause a shortage of diesel fuel in the area.
- Thinks the data center should use solar power and solar panels should be a requirement.
- Believes her water bills are going up because of use, based on what she has seen and heard.
- Wants water in her well tested quarterly and a filtration system provided by the data center or township.
- The potential impacts are noise/vibration, water usage, air quality, generator usage.

Clarification from John MacDonald : Attorney Brett Flower represents the Township, not the data centers.

Cassie Eckert Barret representing her aunt and uncle

- She works in renewable energy. Solar companies are being asked to work with data centers. Only 20% are being built. The rest are being delayed and blocked.
- How did you arrive at the 180 days moratorium?
 - Attorney Brett Flower indicated the 180 days is statutory – can't be altered
 - Mark Stivers noted that a broader extension on moratoriums is currently in state legislature.
- Suggests being specific in what you want. Hyper scalers have a lot of money and want to do a lot for the community.
- Increase the 100 acre requirement to 300 acres to attract the right data centers in. On a 300 acre site a mega data center can be installed, and they are the ones with the money. Open the door for the mega data centers with 300-1000 acres to get the mega data centers that will positively affect the community.
- Make sure you know what you want regarding electric supply
 - Attorney Flower advised that the township is limited to what they can ask for because it is outside the zoning purview.

James Zander

- Suggests a closed loop system so there is no access to the township water supply.
- Question about the sound barrier
 - Attorney Flower says the sound section of the ordinance is just a place holder. It will be updated when the sound engineer weighs in.
- Rated G noises are not addressed in the draft ordinance. Tells public to research it. Infra sounds (under 20mHrtz). People don't hear the sounds, but they affect people. Nausea, sleep problems, balance issues, higher heart rate, etc. are some of the side effects
- Mr. Zander stated that he has already supplied the BOS with all the sound information.

Cassie Pensak

- Can we get a deadline for the numbers for the public regarding noise?
- Make sure light pollution is addressed.

- We need the experts on sound and light to weigh in on these matters.

Don Knouse

- The overlay encompasses residential zones.
- Why can't you just stay within the current zones? The data center should never come anywhere close to a residential zone.
 - The overlay adds an extra layer of protection

Corey Fuhrer

- Looking for strict regulation for landscaping.
- Suggests use a similar ordinance to what York Township currently has.
- York Township currently has a strict ordinance
- Reparations for water (creeks/streams/ponds/springs)
- The township keeps saying the data center is not going to use well water but public water. He says water is water, it all comes from the same place.
 - Mark Stivers indicates that the requirement for public water usage instead of wells allows for more regulation.
- Can the data center pay for the utility usage?
 - Derek Rinaldo says it would be funded by the developer to get water to their site.

Cheryl Dinges

- Lives here for 30 years and never had any issues and now we want to bring in a data center.
 - Mark Stivers explained that the township is not trying to get a data center, we are preparing for a situation if a data center applies for a permit.
- Will it hurt the animals?

Danika Dallum

Handed out copies of an edited ordinance and read it.

Most of what she read dealt with sounds over 40 decibels and sound buffers

Jennifer Campbell

- "piss poor" ordinance
- Suggest we look to East Manchester Twp to see their ordinance
- Diesel Fuel needs to stay out of the water.
- Take the noise into consideration.
- Suffers from muscular dystrophy and White Brain Matter and will not stand for a data center to make her symptoms worse.

Melissa Meador

- What is the plan for continued community involvement?
 - Mark Stivers stated another meeting will be scheduled.
- Question from John MacDonald, will 30 days be enough time?
 - Mark Stivers stated that they will get another meeting on the calendar.
- What happens if the moratorium ends and no ordinance is adopted?
 - Mark Stivers explained that the Township would be exposed to a developer coming in and telling the township what they are going to do instead of following an ordinance. He noted that the ordinance will be completed before the end of the moratorium.

- Can we address stormwater runoff? Floodplain concern?
 - Derek Rinaldo stated Conewago Township already has strong floodplain rules.
- What is the financial benefit for the township to have a data center?
 - Mark Stivers says there is financial benefit, yes. But what needs to be weighed is the pros and cons.
- Concerned about Imminent Domain.
 - Both John MacDonald and Lorreta Wilhide explained they have no intention of approving anything having to do with imminent Domain.
- Who is held accountable if her animals (goats) on her farm die?
 - Attorney Flower indicated that the resident would need to sue the developer.
- Community Benefit Agreements (CBA)
 - Attorney Flower commented that a municipality can't address or entertain a CBA until there is an application and proposal.

Chris Myer

- What is the difference between industrial and heavy industrial? Can we get a heavy industrial zone?
 - Mark Stivers said that is something the Township can look into.

Betsy Lepp

- Everyone is discussing concerns for humans but no one is discussing Wildlife Concerns specifically, migrating birds. We are in the central fly zone for migratory birds.
- Windows should be removed from plan to save the birds.
- The Kelvin should be reduced in the ordinance
- Reparations for water (creeks/streams)
- Can the data center pay for the utility usage?
 - Derek Rinaldo mentions that Data Centers today may be very different from what they look like five years from now because technology is always changing. We want the ordinance to be written so it applies as everything evolves.

John MacDonald-30 days from now we will meet again with a second draft a new map version. It will be published similarly as today's meeting was published.

Larry Kauffman Stopped by a Data Center in Valley Forge. It was not a mega center. It was a 12MW data center. It had 9 generators w/ \$30,000 gallons of fuel. Need to look into standards for fuel storage.

Lorreta Wilhide -believes a lot of good questions were raised and there were a lot of good answers given.

Mr. Stivers thanked everyone for participating in the meeting and for remaining respectful. He thanked the staff of Bible Baptist Church for the use of their facility and staff.

The meeting was adjourned at 8:45PM.